

APPLICATION FOR PERMIT

Serial No. 9856

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office \_\_\_\_\_  
 Returned to applicant for correction \_\_\_\_\_  
 Corrected application filed \_\_\_\_\_

The undersigned Russell Land & Cattle Co.  
Name of applicant  
 of Elko, County of Elko,  
 State of Nevada, hereby make application for  
 permission to appropriate the public waters of the State of Nevada, as  
 hereinafter stated. (If applicant is a corporation, give date and place  
 of incorporation.)

1. The source of the proposed appropriation is Humboldt River  
Name of stream, lake, or other source
2. The amount of water applied for is \_\_\_\_\_ second-feet.  
One-second-foot equals 40 miners' inches
3. The water to be used for \_\_\_\_\_  
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:  
(Application to change the point of diversion. See  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.  
Supplemental Sheet)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is \_\_\_\_\_
- (b) Description of land to be irrigated \_\_\_\_\_  
Describe by legal subdivision, or if on unsurveyed land it should  
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_, of each year.  
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located \_\_\_\_\_  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
- (f) Point of return of water to stream \_\_\_\_\_  
Describe in same manner as point of diversion.
- (g) State number and kinds of animals to be watered \_\_\_\_\_
- (h) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_, of each year.  
Month Month
- (i) Remarks \_\_\_\_\_

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works

6. Estimated time required to construct works

7. Remarks

For use of applicant.

, Applicant.

By

Compared

This sheet inspected

, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use; and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

WITNESS MY HAND AND SEAL this day

of

State Engineer.

APPLICATION FOR PERMIT TO CHANGE THE PLACE OF  
DIVERSION OF WATERS OF THE STATE OF NEVADA,  
ALREADY APPROPRIATED.

Date of first receipt and filing in State Engineer's Office APR 19 1935  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed \_\_\_\_\_

The undersigned, Russell Land & Cattle Co., a corporation created and existing under and by virtue of the laws of the State of Nevada, with its principal place of business at Elko, County of Elko, Nevada, hereby makes application for permission to change the place of diversion of waters heretofore appropriated and beneficially used, as hereinafter shown.

The name of the applicant is Russell Land & Cattle Co., and its postoffice address is Elko, Nevada. Applicant is a corporation and was incorporated July 29, 1890 under the laws of the State of Nevada.

1. The name of the source from which the place of diversion is proposed to be changed is Humboldt River.

2. The quantity of water of which it is desired to change the place of diversion is approximately 6.079 cu. ft. per second, or 1954.31 acre feet, and/or the total amount of water heretofore used and/or any amount of water that may hereafter be decreed to the lands of Russell Land & Cattle Co., hereinafter described.

3. The purpose for which the application is made is to change the place of diversion of waters heretofore appropriated, said water to be used for irrigation, stock watering and domestic purposes.

4. The location of the proposed point of diversion from the Humboldt River is in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T. 35 N., R. 42 E., M.D.M., or at a point from which the accepted Southeast corner of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2, T. 35 N., R. 42 E., bears North 26° 52' West, 4379.00 feet; thence by means of channels and ditches to the lands of applicant.

5. The existing point of diversion is the "Aemes Dam" situated in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 30, T. 35 N., R. 43 E., M.D.M., or at a point from which the one quarter corner between Sections 19 and 30, T. 35 N., R. 43 E., bears North 41° 39' East, 1541.00 feet. A map showing both the proposed and the present points of diversion, hereinabove referred to, is filed herewith and by reference is hereby made a part of this application.

6. The water herewith desired to be changed has been beneficially and continuously used upon the following described lands:

W $\frac{1}{2}$  of NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2, E $\frac{1}{2}$  of Section 3, (except a tract of 67.7 acres in the SE $\frac{1}{4}$ ), and a small tract on the east side of the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 3, all in T. 35 N., R. 42 E., M.D.M.; also the W $\frac{1}{2}$  of Section 34, except 12 acres in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , T. 36 N., R. 42 E., M.D.M.

the same being listed on Pages 92-93 and 104 of the Judgment and Decree, in the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Its Tributaries, entered and filed October 20, 1931.

7. The number of acres heretofore irrigated is 677.27.

8. The number of acres proposed to be irrigated is 677.27.

9. The description of the land proposed to be irrigated is as follows:

W $\frac{1}{2}$  of NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 2, E $\frac{1}{2}$  of Section 3, (except a tract of 67.7 acres in the SE $\frac{1}{4}$ ), and a small tract on the east side of the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 3, all in T. 35 N., R. 42 E., M.D.M.; also the W $\frac{1}{2}$  of Section 34, except 12 acres in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , T. 36 N., R. 42 E. M.D.M.

the same being listed on Pages 92-93 and 104 of the Judgment and Decree, In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Its Tributaries, entered and filed October 20, 1931.

10. A description of the proposed works of diversion is as follows: Water is to be diverted by means of dam in the Humboldt River and existing channels or ditches. A headgate is to be installed at the point of diversion.

11. The estimated cost of the proposed works of diversion is \$300.00.

12. The estimated time required to construct the said works, after construction thereof is commenced, is 40 days.

13. Irrigation will begin about March 15th and end about September 15th of each year, the same being the dates specified in the Judgment and Decree, filed October 20, 1931, hereinabove referred to.

14. The water has been used heretofore during the months or March 15-31, April, May, June, July, August, and September 1-15 each year.

15. Remarks: The proposed point of diversion, for which a permit is sought, is on the lands of applicant. Applicant knows of no diversions made by any other user between the present and the proposed diversion points. Certain of the lands listed in this application as the lands of applicant, and as lands upon which certain of the waters mentioned have been beneficially and continuously used, and upon which the said waters will continue to be used under the proposed change in point of diversion, are listed as lands of Ellison Ranching Company in the Judgment and Decree entered October 20, 1931, hereinabove referred to. Said lands were acquired by applicant by deed from said Ellison Ranching Company, dated February 7, 1935, and thereafter on February 11, 1935, filed for record with the County Recorder of Humboldt County, Nevada, a certified copy of said deed having heretofore been filed with the office of the State Engineer and reference to which is hereby made.

RUSSELL LAND & CATTLE CO.

(Seal)

By Geo. Russell Jr. President.  
Applicant.

Compared A.S.-C.T.

This sheet inspected.

By \_\_\_\_\_  
Engineer.

APPROVAL OF STATE ENGINEER

This permit to change the point of diversion of the waters of the Humboldt River for 643.91 acres of harvest crops, 6.12 acres of meadow pasture and 26.71 acres of diversified pasture as described on pages 92, 93 and 104 of the Findings of Fact, Conclusions of Law and Decree filed October 20, 1931, in the matter of Determination of the Relative Rights of Claimants and Appropriators of the waters of the Humboldt Stream System and its tributaries, being No. 2804 in the Sixth Judicial District Court of the State of Nevada, in and for the County of Humboldt, is granted with the understanding that no other rights on the source will be affected by the change proposed herein. The State reserves the right to regulate the water under the change proposed herein at any and all times.

The amount of water to be changed shall be limited to 5.414 cubic feet per second or 1960.94 acre feet within the irrigation season for the various classes of culture above specified, or any amount of water that may hereafter be decreed to such lands.

Actual construction work shall begin on or before February 1, 1936. Proof of Commencement of Work shall be filed on or before March 1, 1936. Work must be prosecuted with reasonable diligence and completed on or before February 1, 1938. Proof of Completion of Work shall be filed before March 1, 1938. Application of water to beneficial use shall be made on or before February 1, 1940. Proof of application of water to beneficial use must be filed with the State Engineer on or before March 1, 1940.

WITNESS MY HAND AND SEAL this 15<sup>th</sup> day

Compared AA-RA

of

August

Proof of labor filed JAN 21 1936

Proof of completion of work filed JAN 21 1936

Proof of Beneficial use filed MAR 30 1940

Alfred Meritt Smith  
State Engineer

Certificate No. 2532. Issued May 7, 1940, for 5.50 cfs. Irrigation, Stockwatering & Domestic.  
Recorded May 9, 1940, Bk. A, page 200  
Humboldt County Records

